

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 261 - HB 596

March 27, 2009

SUMMARY OF BILL: Effective July 1, 2009, requires all statements made by a person during a custodial interrogation relating to any homicide to be electronically recorded and preserved.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant

**Increase Local Expenditures - \$10,600/FY09-10*
\$6,000/FY10-11 & Subsequent Years***

Assumptions:

- According to the Comptroller's Office of the Treasury, approximately 57 percent (228) of local law enforcement agencies do not have recording equipment for custodial interrogations. Recording devices can be purchased for approximately \$20 and a box of tapes can be purchased for \$15. One-time expenditures for local governments for recording equipment is estimated at \$4,560 (228 x \$20 = \$4,560) plus \$3,420 for tapes (\$228 x \$15). A box of tapes for each of the 172 local agencies that already have the recording devices at \$2,580 (172 x \$15). Total one-time local expenditures of \$10,560 (\$4,560 + \$3,420 + \$2,580).
- Recurring local expenditures of \$6,000 (400 x \$15) for tapes. The cataloging, storage, and preservation costs are estimated to be not significant.
- Having recordings available may result in an increase in motions to suppress statements, but the increase is estimated to be not significant. The amount of time spent in court resolving disputes over interrogations would be reduced thereby allowing for a more timely adjudication of cases at both the trial and appellate level.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/lsc